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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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CHANG HO KIM

Plaintiff,

Case No.: 18-CV-9845

-against-

ANSWER

WOORI AUTO REPAIR & BODY CORP.,
and JOHN SHIM

Defendants

-----X

Defendants Woori Auto Repair & Body Corp. and Chae Lok "John" Shim herein
collectively called as the Defendants, through their counsel, the Law Offices of Diane H. Lee, as
and for their Answer to the above captioned actions, state as follows:

1. Defendants deny the allegations of Paragraph 1 of the Complaint.
2. Defendants neither deny nor admit the allegations of Paragraph 2 of the Complaint.

To the extent that Paragraph 2 requires an answer, Defendants deny Paragraph 2.

3. Defendants admit the allegations of Paragraph 3 of the Complaint.
4. Defendants admit the allegations of Paragraph 4 of the Complaint.
5. Defendants lack sufficient knowledge and information either to admit or deny the
allegations of Paragraph 5 of the Complaint.
6. Defendants deny the allegations of Paragraph 6 of the Complaint.

7. Defendants neither deny nor admit the allegations of Paragraph 7 of the Complaint.
To the extent that Paragraph 7 requires an answer, Defendants deny Paragraph 7.
8. Defendants deny the allegations of Paragraph 8 of the Complaint.
9. Defendants deny the allegations of Paragraph 9 of the Complaint.
10. Defendants deny the allegations of Paragraph 10 of the Complaint.
11. Defendants deny the allegations of Paragraph 11 of the Complaint.
12. Defendants deny the allegations of Paragraph 12 of the Complaint.
13. Defendants deny the allegations of Paragraph 13 of the Complaint.
14. Defendants deny the allegations of Paragraph 14 of the Complaint.
15. Defendants deny the allegations of Paragraph 15 of the Complaint.
16. Defendants deny the allegations of Paragraph 16 of the Complaint.
17. Defendants admit the allegations of Paragraph 17 of the Complaint.
18. Defendants deny the allegations of Paragraph 18 of the Complaint.
19. Defendants deny the allegations of Paragraph 19 of the Complaint.
20. Defendants deny the allegations of Paragraph 20 of the Complaint.
21. Defendants deny the allegations of Paragraph 21 of the Complaint.
22. Defendants deny the allegations of Paragraph 22 of the Complaint.
23. Defendants deny the allegations of Paragraph 23 of the Complaint.
24. Defendants deny the allegations of Paragraph 24 of the Complaint.
25. Defendants admit the allegations of Paragraph 25 of the Complaint.
26. Defendants deny the allegations of Paragraph 26 of the Complaint.
27. Defendants deny the allegations of Paragraph 27 of the Complaint.
28. Defendants deny the allegations of Paragraph 28 of the Complaint.

29. Defendants deny the allegations of Paragraph 29 of the Complaint.
30. Defendants deny the allegations of Paragraph 30 of the Complaint except to admit that Plaintiff worked in the State of New Jersey.
31. Defendants deny the allegations of Paragraph 31 of the Complaint.
32. Defendants admit the allegations of Paragraph 32 of the Complaint.
33. Defendants admit the allegations of Paragraph 33 of the Complaint.
34. Defendants admit the allegations of Paragraph 34 of the Complaint.
35. Defendants deny the allegations of Paragraph 35 of the Complaint.
36. Defendants deny the allegations of Paragraph 36 of the Complaint.
37. Defendants deny the allegations of Paragraph 37 of the Complaint.
38. Defendants deny the allegations of Paragraph 38 of the Complaint.
39. Defendants deny the allegations of Paragraph 39 of the Complaint.
40. Defendants deny the allegations of Paragraph 40 of the Complaint.
41. Defendants deny the allegations of Paragraph 41 of the Complaint.
42. Defendants deny the allegations of Paragraph 42 of the Complaint.
43. Defendants deny the allegations of Paragraph 43 of the Complaint except to admit that Defendant Woori Auto Repair & Body Shop Corp is a New Jersey corporation.
44. Defendants deny the allegations of Paragraph 44 (i) and (ii) of the Complaint.
45. Defendants deny the allegations of Paragraph 45 of the Complaint.
46. Defendants admit the allegations of Paragraph 46 of the Complaint.
47. Defendants deny the allegations of Paragraph 47 of the Complaint.
48. Defendants repeat their responses to Paragraph 1 through 47 of the Complaint.
49. Defendants deny the allegations of Paragraph 49 of the Complaint.

50. Defendants deny the allegations of Paragraph 50 of the Complaint except to admit that Plaintiff worked for the Corporate Defendant.
51. Defendants deny the allegations of Paragraph 51 of the Complaint.
52. Defendants deny the allegations of Paragraph 52 of the Complaint.
53. Defendants deny the allegations of Paragraph 53 of the Complaint except to admit that if the conduct that is the basis of the complaint allegedly took place in this district, and therefore, if federal jurisdiction exists, venue is proper in this district.
54. Defendants deny the allegations of Paragraph 54 of the Complaint.
55. Defendants deny the allegations of Paragraph 55 of the Complaint.
56. Defendants deny the allegations of Paragraph 56 of the Complaint.
57. Defendants deny the allegations of Paragraph 57 of the Complaint.
58. Defendants deny the allegations of Paragraph 58 of the Complaint.
59. Defendants deny the allegations of Paragraph 59 of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

60. The Plaintiff was not employee of the Defendants for the purposes of the Fair Labor Standards Act (“FLSA”).

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

61. The Plaintiff was a mechanic, an employee who is exempt from overtime compensation under the “FLSA” and the New Jersey Wage and Hour Laws.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

62. Pursuant to 29 U.S.C. §260, the Court should not award liquidated damages for violations of the FLSA because the Defendants acted in good faith.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

63. The Complaint, in whole or in part, fails to state a claim upon which relief can be granted.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

64. This Court lacks subject matter jurisdiction because the Defendants were not engaged in interstate commerce within the meaning of the FLSA during the relevant period of time.

PRAYER FOR RELIEF

WHEREFORE, Defendants pray this Court: (a) declines jurisdiction over all or some claims in this matter; (b) dismisses all claims with prejudice; (c) awards the Defendants their attorney's fees, costs and expenses as provided for by the applicable statutes; and (d) any other relief which this Court deems just and equitable.

Dated: Fort Lee, NJ
June 19, 2018

/s/ Diane H. Lee

Diane H. Lee [3170]
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Attorney for Defendants

CERTIFICATE OF SERVICE

I, Diane H Lee, an attorney admitted to practice before this Court and a member in good standing of the bar of the State of New Jersey, certify under penalties of perjury that I caused to be served the annexed Answer upon:

_____/s/_____

Diane H. Lee [DL3170]

To: Ryan Kim Law
163-10 Northern Blvd. Suite 205
Flushing, NY 11358
Email: ryan@ryankimlaw.com on June 19, 2018